

LEGAL NOTICE - PUBLIC HEARING
CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS
Regarding Amendments to Chapter 86, Personnel, of the Calvert County Code

The Calvert County Board of County Commissioners will hold a Public Hearing on Tuesday, ^{July}~~January~~ 23, 2019 at 11:00 a.m. in the Commissioners Hearing Room, 175 Main Street, Second Floor, Prince Frederick, Maryland, 20678, to consider and receive comments regarding the amendment of Chapter 86, Personnel, of the Calvert County Code.

The proposed amendment of Section 86-3-104.C provides that promotion of sworn law enforcement, correctional officers, and correctional deputies by the Sheriff shall be in accordance with the Full-Time Equivalents and budget approved by the Board of County Commissioners annually.

* Interested persons are urged to view the proposal in its entirety by either contacting the Department of Human Resources at 410-535-1600 ext. 2359, humanresources@calvertcountymd.gov or by viewing the amendments online at: <http://www.co.cal.md.us/DocumentCenter/View/17752>. The proposed provisions may be substantively modified, revised, amended or otherwise changed based upon comments received at the public hearing.

The Board of County Commissioners does not discriminate on the basis of age, sex (including pregnancy) (except where age or sex are essential bona fide occupational requirements), sexual orientation, marital status, ancestry or national origin, religion, race, color, genetic information, actual or perceived disability, or gender-related identity or expression. Any reasonable accommodation for persons with disabilities or linguistic barriers should be requested by contacting the Board of County Commissioners office at (410) 535-1600 ext. 2202 or TTY: 1-800-735-2258.

* Alternate website address:

<http://www.calvertcountymd.gov/DocumentCenter/View/17752/>

Approved for form
and legal sufficiency
for Public Hearing
Office of County Attorney 6/28/19

**PERTAINING TO THE AMENDMENT OF CHAPTER 86 OF
THE CODE OF PUBLIC LOCAL LAWS OF CALVERT COUNTY**

WHEREAS, *Local Government Article*, Section 12-103 of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to establish a merit system in connection with the appointment of all county officials and employees not elected or appointed under the Constitution or public general laws of the State;

WHEREAS, by Ordinance 42-09, the Board of County Commissioners did adopt such a merit system, which is codified at Title 86 of the Code of Public Local Laws of Calvert County, Maryland, being Title 86 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the “Code”), the Annual Budget and Appropriation Act each year;

WHEREAS, the Sheriff has requested amendment of certain provisions of Section 86-3-104.C applicable to sworn Law Enforcement, and requested the same treatment for Correctional Officers, and Correctional Deputies (once the phrase “Correctional Deputies” becomes codified at Md. Ann. Code, Courts & Judicial Proceedings Art by operation of 2019 Maryland Laws Ch. 98 and 2019 Maryland Laws Ch. 196);

WHEREAS, the Human Resources Department has recommended amendments to Chapter 86 of the Code more specifically set forth below to effect the request of the Sheriff;

WHEREAS, a public hearing regarding this amendment of Chapter 86 of the Code was duly advertised for two consecutive weeks before the public hearing held on July 23, 2019, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt those amendments to Chapter 86 of the Code set forth herein, and that the retroactive application of amendments recommended herein will not interfere with vested rights or contractual obligations.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 86 of the Code by:

1. Repealing and readopting with amendment Section 86-3-104.C of the Code, which, upon amendment, shall provide as follows:

§ 86-3-104. Other salary adjustments.

C. Promotion.

- (1) The salary rate upon promotion shall be established at the step within the new range that shall provide a six-percent increase, or the minimum of the higher grade, whichever is greater, in the regular straight-time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the higher of the two.

- (2) Promotion of sworn law enforcement, and correctional officers, and, after September 30, 2019, correctional deputies, by the Sheriff shall be in accordance with Full Time Equivalents and budget approved by the Board of County Commissioners annually.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 86 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, upon becoming effective, this Ordinance shall be applied retroactively as if it had become effective 12:00 a.m., June 24, 2019.

DONE, this _____ day of _____, 2019, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: _____

Nay: _____

Absent/Abstain: _____

[SIGNATURES ON FOLLOWING PAGE]

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Karen S. Phelps, Clerk

Thomas E. Hutchins, President

Kelly D. McConkey Jr., Vice President

Approved for legal sufficiency by:

Earl F. Hance

Mike Hart

John B. Norris, III, County Attorney

Steven R. Weems

Approved for form
and legal sufficiency
for Public Hearing

Office of County Attorney

86-1-104. Scope.

B. The following parts of this chapter shall apply to the Deputies of the Calvert County Sheriff: Part 2, Article IV, Probationary Status, §§ 86-2-401, 86-2-402 and 86-2-403A, C and D; Part 3, Article I, Pay and Adjustments, §§ 86-3-101, 86-3-102, 86-3-103, 86-3-104 A, B, C and F(1), 86-3-106 and 86-3-107; Part 3, Article II, Overtime and Compensatory Leave Policy, §§ 86-3-201, 86-3-202, 86-3-203, 86-3-204, 86-3-205, 86-3-208, 86-3-209 and 86-3-210; Part 3, Article III, Compensation; Part 3, Article VI, Holiday Compensation; Part 4, Leave Administration; and Part 8, Performance Evaluation. Should any of these provisions stated be inconsistent with the Law Enforcement Officers Bill of Rights ("LEOBR"), that Bill of Rights shall govern.

§ 86-3-104. Other salary adjustments.

C. Promotion.

- (1) The salary rate upon promotion shall be established at the step within the new range that shall provide a six-percent increase, or the minimum of the higher grade, whichever is greater, in the regular straight-time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the higher of the two. ~~The salary rate upon promotion to the rank of Deputy Sheriff Lieutenant in the Sheriff's Office shall be established at the step within the new range that shall provide a twelve percent increase in the regular straight time hourly rate. In the event the salary rate falls between two steps, the Lieutenant shall be granted the higher of the two.~~
- (2) Promotion of sworn law enforcement, and correctional officers, and, after September 30, 2019, correctional deputies, by the Sheriff shall be in accordance with Full Time Equivalents and budget approved by the Board of County Commissioners annually.

86-1-104. Scope.

B. The following parts of this chapter shall apply to the Deputies of the Calvert County Sheriff: Part 2, Article IV, Probationary Status, §§ 86-2-401, 86-2-402 and 86-2-403A, C and D; Part 3, Article I, Pay and Adjustments, §§ 86-3-101, 86-3-102, 86-3-103, 86-3-104 A, B, C and F(1), 86-3-106 and 86-3-107; Part 3, Article II, Overtime and Compensatory Leave Policy, §§ 86-3-201, 86-3-202, 86-3-203, 86-3-204, 86-3-205, 86-3-208, 86-3-209 and 86-3-210; Part 3, Article III, Compensation; Part 3, Article VI, Holiday Compensation; Part 4, Leave Administration; and Part 8, Performance Evaluation. Should any of these provisions stated be inconsistent with the Law Enforcement Officers Bill of Rights ("LEOBR"), that Bill of Rights shall govern.

§ 86-3-104. Other salary adjustments.

C. Promotion.

- (1) The salary rate upon promotion shall be established at the step within the new range that shall provide a six-percent increase, or the minimum of the higher grade, whichever is greater, in the regular straight-time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the higher of the two.
- (2) Promotion of sworn law enforcement, and correctional officers, and, after September 30, 2019, correctional deputies, by the Sheriff shall be in accordance with Full Time Equivalents and budget approved by the Board of County Commissioners annually.